

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GILBERT JAMES,

Plaintiff,

v.

Civil Action No. 3:11cv00221

ENCORE CAPITAL GROUP, INC., *et al.*

Defendants.

MOTION TO DISMISS AMENDED COMPLAINT

Defendants, Encore Capital Group, Inc. (“Encore”), Midland Funding, LLC (“Midland Funding”), and Midland Credit Management, Inc. (“Midland Credit Management”) (with the latter two entities collectively referred to as “Midland,” and when combined with Encore, the “Defendants”), by counsel, and pursuant to Fed. R. Civ. P. 12(b)(6), submit the following memorandum in support of their Motion to Dismiss Counts Three, Four, Seven, and Eight of the Amended Complaint (the “Complaint”). The reasons in support of the Motion are set forth in the accompanying memorandum.

WHEREFORE, Defendants, Encore Capital Group, Inc., Midland Funding, LLC and Midland Credit Management, Inc., respectfully request that the Court dismiss Counts Three, Four, Seven and Eight of the Complaint against the Defendants. Defendants further request they be awarded their attorney’s fees and costs incurred herein along with any other relief that the Court deems appropriate.

**ENCORE CAPITAL GROUP, INC.,
MIDLAND FUNDING, LLC and
MIDLAND CREDIT MANAGEMENT, INC.**

By:/s/ Timothy J. St. George

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of September 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will then send a notification of such filing (NEF) to the following:

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